

August 1, 2007 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

07AN0364

Doris Ann Wade Cunningham

Bermuda Magisterial District  
11625 and 11701 Cliff Lawn Drive

REQUEST: A Variance to use a parcel of land which fronts a dedicated but unimproved public road for dwelling purposes in a Residential (R-15) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.

GENERAL INFORMATION

Location:

Properties are known as 11625 and 11701 Cliff Lawn Drive. Tax IDs 794-659-9707 and 795-659-0201 (Sheet 26).

Existing Zoning:

R-15

Size:

0.58 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-15; Residential  
South - R-15; Residential  
East - R-15; Residential  
West - R-15; Residential and Vacant

Utilities:

Both public water and sewer lines are available on Cliff Lawn Drive, within 200 feet of the request site. Connection to the public systems for a new structure will be required by County Code. A short extension of a public water line may be necessary to position the water line directly adjacent to the request site, in order to properly locate a water service line and meter box.

Transportation:

The applicant should make improvements to bring Cliff Lawn Drive up to state standards and connect the two (2) cul-de-sacs, thereby eliminating the need for this request. In order for the applicant to provide maintenance to this section of road, a license agreement must be obtained from the Board of Supervisors. The license agreement typically requires the applicant to perform all maintenance to the access road within the right of way. In similar situations throughout the County, residents often request the County to perform maintenance on the right of way even though a private maintenance agreement exists. The County has no funds budgeted for this service.

Environmental Engineering:

The proposed location for the single family dwelling is in the center of a low flat swale between several lots with existing homes. Several hundred feet of Elmwood Road plus approximately seven (7) lots drain thru the center of this lot. Although the lot could be built on, substantial grading and possible filling would be needed in order to protect the proposed structure. If this Variance is granted, the applicant should be required to present a filling and grading plan designed by a professional engineer to Environmental Engineering for approval. This plan shall show that the drainage from off site will be routed so that it is no closer than twenty-five (25) feet to either side of the proposed structure on the subject property.

General Plan:

### DISCUSSION

The applicant requests a Variance to use a parcel of land which fronts on a dedicated, but unimproved, public road for dwelling purposes. The access to the dwelling will be over a fifty (50) foot dedicated road from Point A to Point B (option 1 or 2), as shown on the attached map.

The applicant provides the following justification in support of this request:

I am requesting a Variance to use a parcel of land which fronts on a dedicated, but unimproved, public road for dwelling purposes. The subject properties have been in my family for approximately forty (40) years and we have been paying taxes on them all this time. We are planning to access the subject properties using either option 1 or option 2.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case, the property was recorded prior to 1980.

The subject property is located in the Cliffawn Subdivision which was recorded in the 1950's. The subject property is owned by Doris Ann Wade Cunningham consists of 0.58 acre and is zoned Residential (R-15). Staff notes Cliffawn Drive is an asphalt state maintained road which has two (2) cul-de-sacs. The first cul-de-sac is located on Cliffawn Drive which runs off Osborne Road. The second cul-de-sac is located on Cliffawn Drive which runs off Banbury Road. The Chesterfield County Transportation Department has indicated the two (2) cul-de-sacs should be connected and a road constructed to state standards, thereby eliminating the need for this request. The applicant has indicated they will use one of the cul-de-sacs to enter and exit their property.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Condition 2 will address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request. Staff believes that the Board should deny this request for the reasons previously noted.

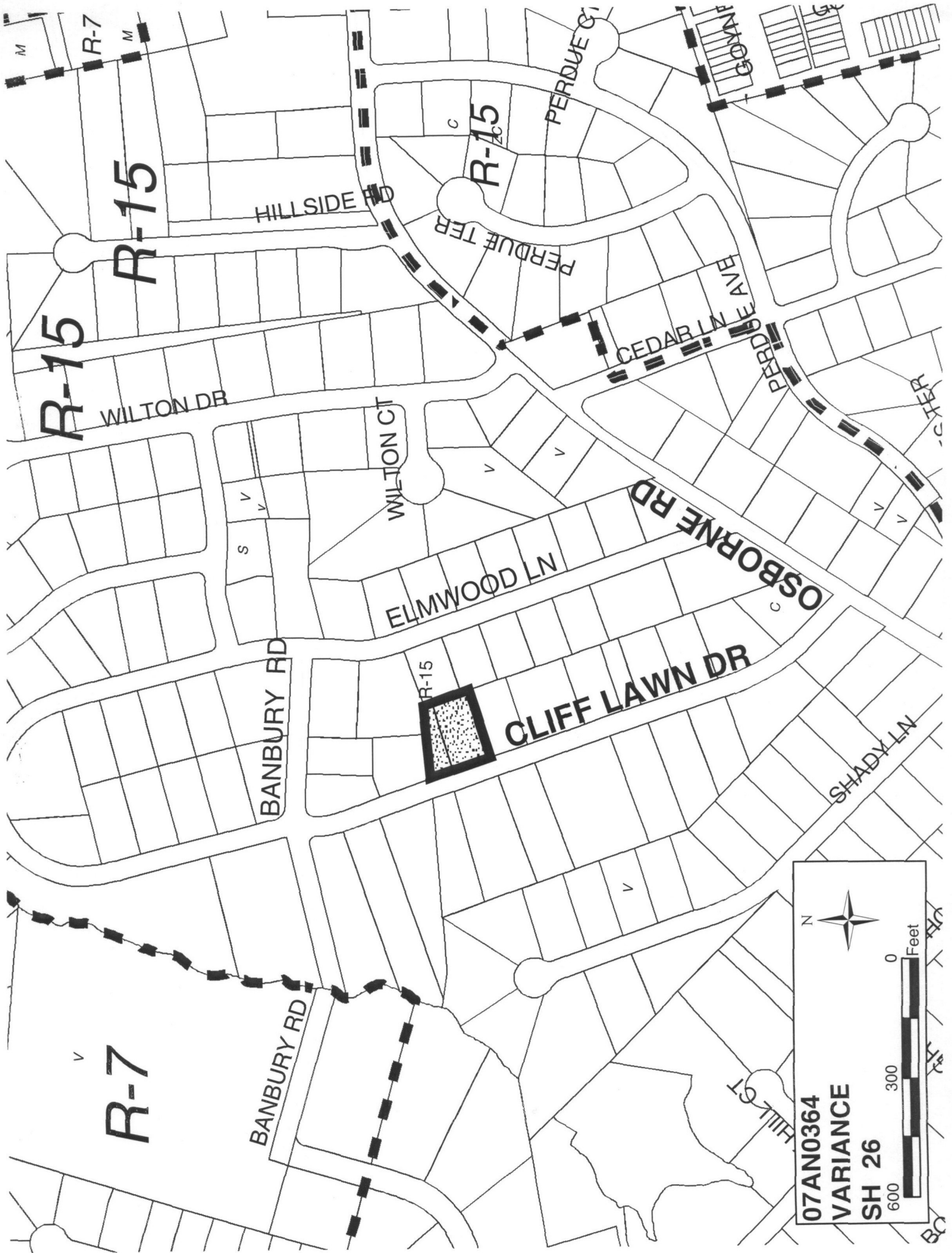
However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

### CONDITIONS

1. Prior to approval of a building permit, the applicant shall provide a copy of the approved license agreement with the County to use the dedicated and unimproved County right of way from Point A to Point B (option 1 or 2), as shown on the plat attached to the staff report. (P)
2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
  - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
  - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
  - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
  - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
  - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
  - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

6. The applicant shall submit a filling and grading plan designed by a professional engineer to Environmental Engineering for approval. This plan shall show that the drainage from off site will be routed so that it is no closer than twenty-five (25) feet to either side of the proposed structure on the subject property. (EE)

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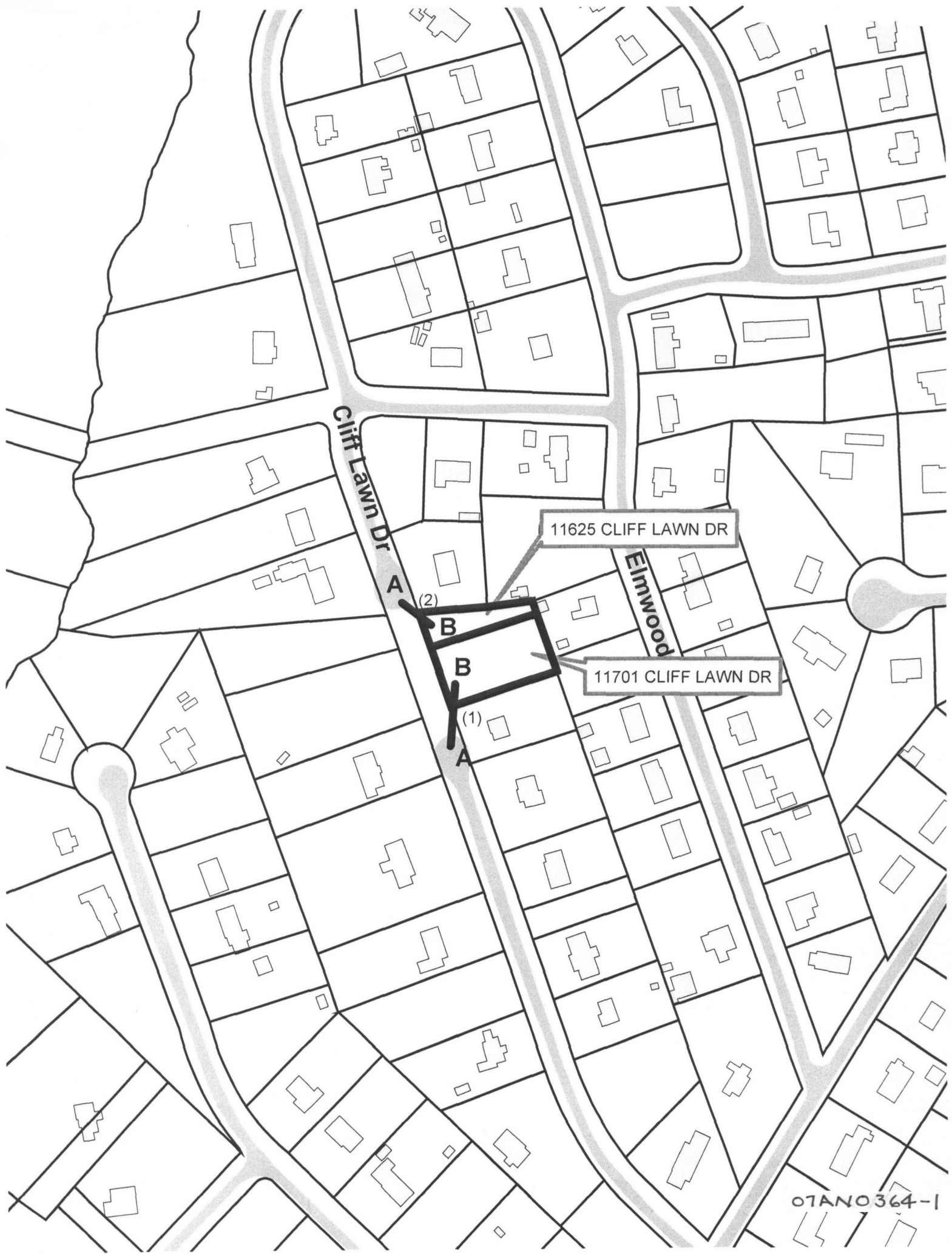
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VARIANCE  
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Cliff Lawn Dr

Elmwood

11625 CLIFF LAWN DR

11701 CLIFF LAWN DR

(2)

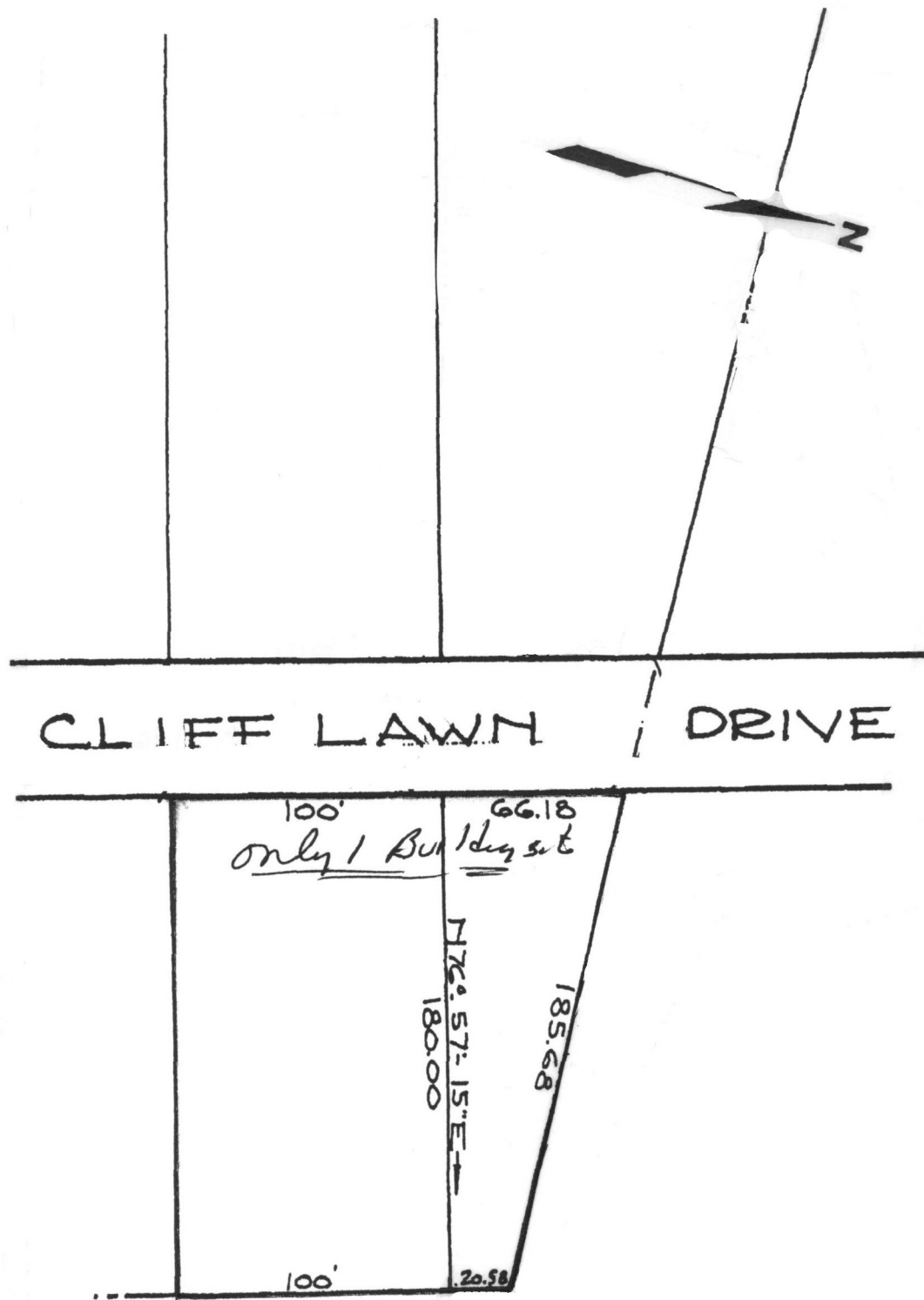
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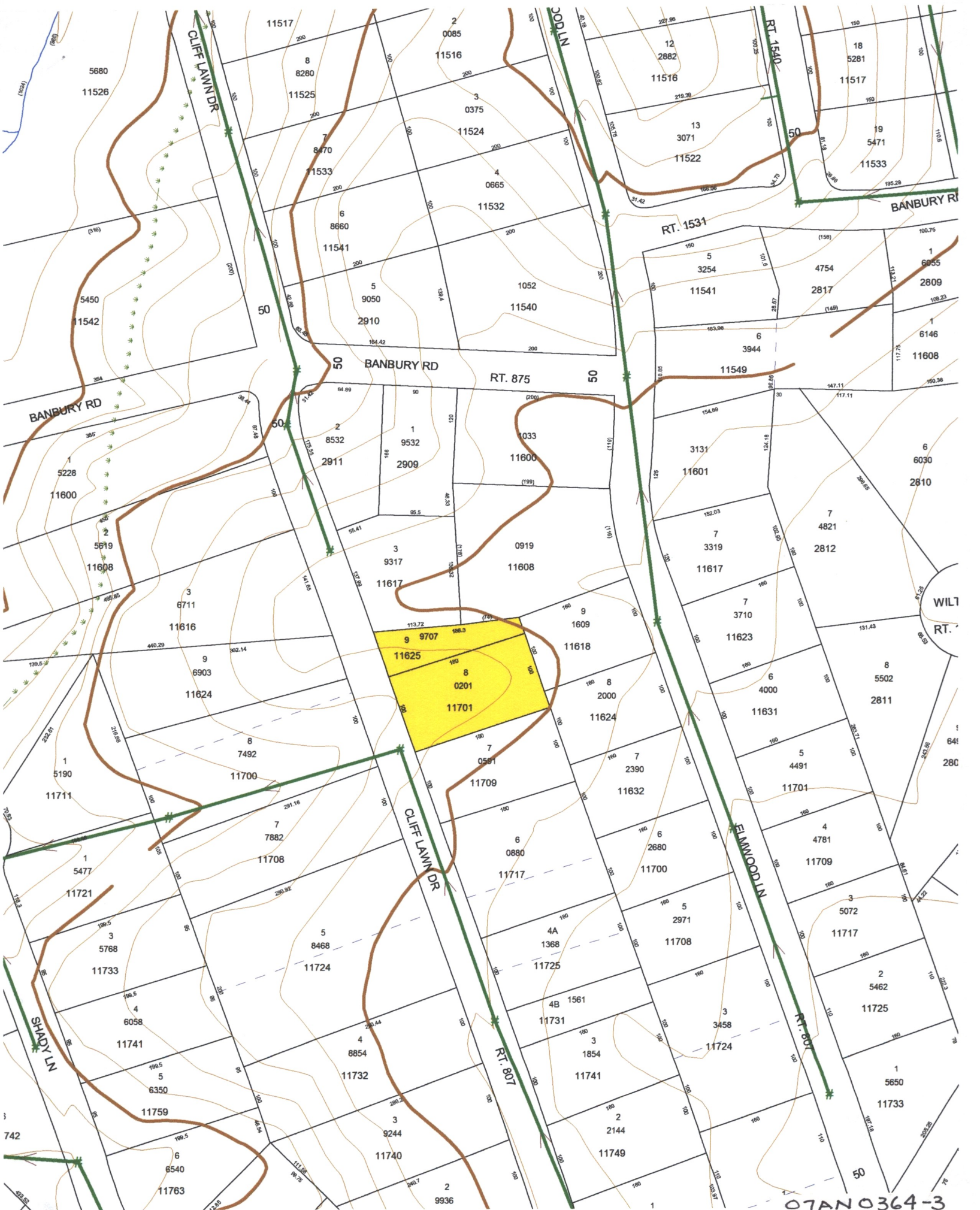
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